

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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STERLING D. BROWN,

Plaintiff,

Case No. 18-CV-922

v.

**MINUTE SHEET**

CITY OF MILWAUKEE, et al.,

Defendants.

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**Hon. David E. Jones, presiding.**

**Deputy Clerk:** Katina Hubacz

**Type of Proceeding:** TELEPHONIC PRE-MOTION CONFERENCE RE:  
DISCOVERY

**Date:** December 20, 2018 at 10:00 AM

**Court Reporter:** Liberty

**Time Commenced:** 10:05:32

**Time Concluded:** 10:26:04

**Appearances:**     **Plaintiff:**     Mark L. Thomsen

**Defendants:**     Elleny B. Christopoulos, Naomi E. Gehling

**Comments:**

Parties contacted the court regarding discovery issues.

**Plaintiff:**

- Served discovery – responses not due until the end of month
- Yesterday had one hour conference going through requests agreeing to a discovery roll-out
- One item that had asked for was all documents related to city's affirmative defense that this was Mr. Brown's responsibility and the incident was caused by him – Defendant said they object and will not be producing anything on this
- The Defendant's raised this issue and feel is relevant and feel are entitled to this information
- They could file a pleading withdrawing the affirmative defense
- As long as is alleged that Mr. Brown caused this, feel are entitled to these documents

**Defendants (Ms. Gehling):**

- Did not say wouldn't provide – said would probably be objecting – responses are not even due yet
- Did provide a response – feel is premature to be discussing this – haven't been able to look through everything yet
- Plan to object on attorney client privilege, work product basis – but still plan to produce as well
- Have a lot of material to look through and will take time

- Agree did have a productive conversation yesterday

Court:

- Agree not realistic to provide all the information within 30 days – a rolling production makes sense here
- Feel parties should be talking/touching base weekly to discuss

Plaintiff:

- One hour conversation ended as no documents would be produced regarding no 1 – would not have called the Court if agreed to rolling production – understand now will be getting some documents
- Want documents relied on for affirmative defense

Court:

- Clarify do need to identify the documents will rely upon – can't just produce documents – identifying by Bates Numbers can be helpful
- Encourage parties to continue to work together and try and listen to each other before respond